IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 2302 of 2000

Prakash Narayan Dubey ..Petitioner

vs.

1. State of Maharashtra
and others ..Respondents

Shri O.P.Pandey i/b M/s Pandey & Co. for petitioner.
Smt.P.S.Cardozo, A.G.P. for respondent no.1
Shri G.S.Hegde for respondent nos. 2 to 5

CORAM: S.B.MHASE AND
D.G.KARNIK JJ.
3rd February, 2006

P.C.

1. Heard learned Counsel appearing for the parties.

2. By this petition, the petitioner challenges the water bills issued by respondent no.2 and the notice for disconnection of the water supply. In the affidavit in reply, respondent no.2 has stated that the petitioner had not paid the bills for supply of water from April, 1990 onwards. Statement of the bills which were not paid by the petitioner has been annexed to the affidavit in reply. The petitioner had issued four cheques for the aggregate amount of Rs.45,000/- All the four cheques were

dishonoured. These facts have been suppressed in the petition.

3. In the affidavit in reply, respondent nno.2 has further stated that the petitioner had filed a suit bearing no.269 of 1993 in the court of Civil Judge, Thane which was transferred to the court of Civil Judge, Jr.Dn., Vashi and renumbered as 163 of 1997. The said suit was dismissed and the petitioner has filed Misc.Application No.202 of 1997 for restoration of the said suit. Thus, the petitioner had challenged the validity of the bills in a civil suit. Having failed therein, the petitioner appears to have approached this Court suppressing the true facts and suppressing the fact that the bills were being issued to him from 1990 and that he had issued four cheques for payment of those bills which were dishonoured.

4. We do not find any substance in the petition. The allegation of the petitioner is that the bills are excessive. This is a disputed question of fact which cannot be decided in the writ petition. Petition is accordingly dismissed with costs.

(D.G.KARNIK J.) (S.B.MHASE J.)